

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE COLUMBIA UNIVERSITY
PATENT LITIGATION

MDL No. 1592 (MLW)

This Document Relates to All Actions

**DECLARATION OF RACHEL H. SMITH IN SUPPORT OF PLAINTIFF
GENENTECH INC.'S OPPOSITION TO COLUMBIA UNIVERSITY'S MOTION
TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION**

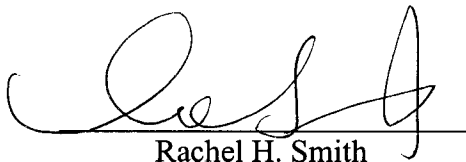
I, Rachel H. Smith, declare as follows:

1. I am a member of the bar of the state of California and an associate at Quinn Emanuel Urquhart Oliver & Hedges, LLP, attorneys for Genentech, Inc ("Genentech"). I make this declaration of personal, firsthand knowledge and, if called and sworn as a witness, I could and would testify competently thereto.

2. Attached hereto as Exhibit A is a true and correct copy of the March 18, 2004 letter from Michael J. Cleare, Ph.D., Executive Director of Columbia University Science & Technology Ventures to Genentech, Inc.

Executed on September 22, 2004, at San Francisco, California.

I declare under penalty of perjury that the foregoing is true and correct.



Rachel H. Smith